IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS LUBBOCK DIVISION

STATE OF TEXAS AND TEXAS DEPARTMENT OF TRANSPORTATION, Plaintiffs, v. U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, Civil Action No. 5:23-cv-304 PETE BUTTIGIEG, in his official capacity as SECRETARY OF TRANSPORTATION, and SHAILEN BHATT, in his official capacity as ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, Defendants.

ORDER GRANTING TEXAS'S MOTION FOR A PRELMINARY INJUNCTION

Having considered Texas's Motion for a Preliminary Injunction filed on January 17, 2024, the Court finds good cause for granting the motion.

Texas has demonstrated a substantial likelihood that they will prevail on the merits of their claims that the Final Rule violated the Administrative Procedure Act (APA) by exceeding its statutory authority and is arbitrary and capricious, an abuse of discretion, and otherwise not in accordance with law; and violates the Spending Clause of the United States Constitution. Texas will be irreparably harmed by frustrating its

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sovereignty and incurring unrecoverable costs from complying with the Final Rule,

which is unlikely to survive judicial review. The Court finds that the balance of equities

and the public interest also favor maintaining the status quo by issuing an injunction

while further review of the Final Rule takes place.

Therefore, Texas's Motion for a Preliminary Injunction is GRANTED, and a

preliminary injunction is in effect enjoining the effectiveness, implementation, and

enforcement of the Final Rule titled National Performance Management Measures; Assessing

Performance of the National Highway System, Greenhouse Gas Emissions Measure, 88 Fed. Reg.

85364, pending further Court order.

So ordered on January _____, 2024.

JAMES WESLEY HENDRIX UNITED STATES DISTRICT JUDGE

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